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19 *Designated Local Counsel  
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20 Attorneys for Plaintiff United States of America, for the use  
21 and benefit of MACO Construction Services, Inc.;  
22 and MACO Construction Services, Inc.

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF NEVADA

25 UNITED STATES OF AMERICA  
26 FOR THE USE AND BENEFIT OF  
27 MACO CONSTRUCTION  
28 SERVICES, INC., an Arizona  
corporation,

29 Plaintiff,  
30 v.

31 PENICK NORDIC JV,  
32 a California joint venture; and  
33 WESTERN SURETY COMPANY,  
34 a South Dakota corporation.

35 Defendants.

36 CASE NO: 2:17-cv-02165-APG-VCF

37 STIPULATION TO EXTEND TIME TO  
38 RESPOND TO INITIAL COMPLAINT  
39 BY NOT MORE THAN 30 DAYS

40 Assigned to:  
41 Hon. Andrew P. Gordon  
42 Hon. Cam Ferenbach

43 Complaint File: August 11, 2017  
44 Trial Date: Not Set

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48 STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT BY NOT  
49 MORE THAN 30 DAYS

1 Plaintiff MACO CONSTRUCTION SERVICES, INC. (“MACO”) and  
2 Defendants PENICK NORDIC JV (“PNJV”) and WESTERN SURETY  
3 COMPANY (“Western”) hereby stipulate, by and through their respective  
4 attorneys of record, as follows:

- 5 1. MACO filed this action on August 11, 2017, alleging breach of  
6 contract, recovery on Miller Act payment bond, and related claims  
7 against Penick and Western.
- 8 2. PNJV and Western have requested an extension of their responsive  
9 pleading deadlines as a professional courtesy.
- 10 3. Based on the foregoing, the parties have agreed to extend PNJV and  
11 Western’s time to respond to the Complaint to September 22, 2017.

12 SO STIPULATED.

13 DATED: September 21, 2017

Respectfully submitted,

14 THE LAW OFFICE OF HAYES &  
15 WELSH

16 By: /s/Martin L. Welsh  
17 MARTIN L. WELSH  
18 Attorneys for Defendants T.B. Penick &  
19 Sons, Inc. and Western Surety Company  
Email: mwelsh@lqlaw.com

20 DATED: September 21, 2017

Respectfully submitted,

21 FINCH, THORNTON & BAIRD, LLP

22  
23 By: /s/David W. Smiley  
24 DAVID W. SMILEY  
25 Attorneys for Plaintiff United States of  
26 America for the use and benefit of MACO  
27 Construction Services, Inc. and MACO  
28 Construction Services, Inc.  
Email: dsmiley@ftblaw.com

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA  
FOR THE USE AND BENEFIT OF  
MACO CONSTRUCTION  
SERVICES, INC., an Arizona  
corporation,

13 Plaintiff,

14 || v.

15 PENICK NORDIC JV,  
16 a California joint venture; and  
WESTERN SURETY COMPANY,  
a South Dakota corporation.

## Defendants.

CASE NO: 2:17-cv-02165-APG-VCF

**ORDER GRANTING STIPULATION  
TO EXTEND TIME TO RESPOND TO  
INITIAL COMPLAINT BY NOT  
MORE THAN 30 DAYS**

Assigned to:  
Hon. Andrew P. Gordon  
Hon. Cam Ferenbach

Complaint File: August 11, 2017  
Trial Date: Not Set

The parties' stipulation for an extension is granted.

20 It is therefore ORDERED that defendants' deadline to answer plaintiff's  
21 complaint is extended up to and including September 22, 2017.

22 | IT IS SO ORDERED.

24 | DATED: October 6, 2017

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## UNITED STATES MAGISTRATE JUDGE

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28 | 2105.004/3BW3734 asc

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ORDER GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL  
COMPLAINT BY NOT MORE THAN 30 DAYS

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21 and benefit of MACO Construction Services, Inc.;  
22 and MACO Construction Services, Inc.

23 UNITED STATES DISTRICT COURT

24 DISTRICT OF NEVADA

25 UNITED STATES OF AMERICA  
26 FOR THE USE AND BENEFIT OF  
27 MACO CONSTRUCTION  
28 SERVICES, INC., an Arizona  
corporation,

Plaintiff,

v.

PENICK NORDIC JV,  
a California joint venture; and  
WESTERN SURETY COMPANY,  
a South Dakota corporation,

Defendants.

CASE NO: 2:17-cv-02165-APG-VCF

PROOF OF SERVICE BY MAIL

Assigned to:  
Hon. Andrew P. Gordon  
Hon. Cam Ferenbach

Complaint Filed: August 11, 2017  
Trial Date: Not Set

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32 PROOF OF SERVICE BY MAIL

1 I, Stacy M. Torres, declare that:

2 I am over the age of eighteen years and not a party to the action; I am  
3 employed in the County of San Diego, California, where the mailing occurred;  
4 and my business address is 4747 Executive Drive, Suite 700, San Diego,  
5 California 92121-3107. I further declare that I am readily familiar with the  
6 business' practice for collection and processing of correspondence for mailing  
7 with the United States Postal Service pursuant to which practice the  
8 correspondence will be deposited with the United States Postal Service this same  
9 day in the ordinary course of business. I caused to be served the following  
10 document(s): (1) STIPULATION TO EXTEND TIME TO RESPOND TO  
11 INITIAL COMPLAINT BY NOT MORE THAN 30 DAYS; and (2) ORDER  
12 GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL  
13 COMPLAINT BY NOT MORE THAN 30 DAYS, by placing a copy thereof in a  
14 separate envelope for each addressee listed as follows:

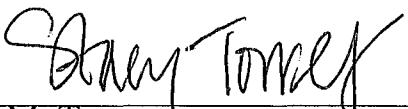
15 Martin L. Welsh, Esq.  
16 The Law Office of Hayes & Welsh  
17 199 N. Arroyo Grande Blvd., Suite 200  
18 Henderson, Nevada 89074  
Telephone: (702) 434-3444  
Facsimile: (702) 434-3739  
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ATTORNEY FOR DEFENDANTS  
T.B. PENICK & SONS, INC. AND  
WESTERN SURETY COMPANY

19 I then sealed the envelope(s) and, with the postage thereon fully prepaid,  
20 either deposited it/each in the United States Postal Service or placed it/each for  
21 collection and mailing on September 21, 2017, at San Diego, California,  
22 following ordinary business practices.

23 I declare under penalty of perjury under the laws of the State of California  
24 and the United States that the foregoing is true and correct.

25 Executed on September 21, 2017.

26   
27 Stacy M. Torres

28 2105.004/POS.smt